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Report of the Secretary-General on the progress made with regard to the stabilization and restoration of constitutional order in Guinea-Bissau

I. Introduction

1. The present report, submitted pursuant to paragraph 28 of Security Council resolution 2404 (2018), is my fourth report on the progress made by Guinea-Bissau with regard to the stabilization and restoration of constitutional order in the country. It provides an update on relevant developments since my previous report, of 23 August 2017 (S/2017/715), and includes recommendations on the continuation of the sanctions regime, pursuant to Council resolution 2404 (2018) and in line with paragraph 12 of resolution 2048 (2012).

2. In fulfilment of the above request from the Security Council, the Department of Political Affairs undertook an assessment, in cooperation with the United Nations Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS). During the same period, the Chair of the Security Council Committee established pursuant to resolution 2048 (2012) concerning Guinea-Bissau visited Bissau from 25 to 27 June 2018. A representative of the Secretariat participated in the Chair's meetings with key stakeholders.

II. Key findings

3. Since my previous report, there have been some encouraging signs of progress towards the resolution of the political and institutional impasse in Guinea-Bissau. Consensus on a new inclusive Government has been achieved, plenary sessions of the National Assembly have resumed, a state budget has been adopted, and the date for holding legislative elections has been set for 18 November 2018. The appointment of Aristides Gomes as Prime Minister and the possibility that José Mario Vaz will be the first President to complete his term, for the first time since the independence of Guinea-Bissau in 1974, are both encouraging steps towards political stability. However, the country continues to face many challenges, including the need to clarify the constitutional separation of powers, fight the illegal trafficking of narcotics and undertake institutional reforms of the defence, security and justice sectors. There have been delays in the upcoming legislative and presidential elections, planned for 2018 and 2019, respectively, which should be close'y monitored, given their importance for political stability in Guinea-Bissau.

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4. The recommendations on the continuation of United Nations sanctions contained in my previous report remain valid and relevant. The root causes of instability have not been fully addressed and the political balance remains fragile, particularly in the light of the upcoming legislative and presidential elections. Those recommendations include: the maintenance of the present sanctions regime to signal to the people of Guinea-Bissau that the measures are applicable to all spoilers, regardless of their political or institutional affiliation, and that the Council stands ready to adjust the measures and designations as needed; the establishment of a panel of experts to support the Committee's work; the development of clear benchmarks for lifting sanctions; and a review of the designated individuals, to determine whether they continue to meet the listing criteria.

5. There is still broad consensus that sanctions have played, and continue to play, a positive role. They serve as a deterrent to the direct involvement of the security and defence forces in the political affairs of the country. However, some local interlocutors support the idea that the sanctions currently imposed on individuals should be reviewed, given the commendable behaviour of those individuals since 2012, and that those responsible for political instability and uncertainty should instead be designated for targeted measures. In this context, I take note of the decision of the Authority of Heads of State and Government of the Economic Community of West African States (ECOWAS) during its 53rd Summit, held on 31 July 2018 in Lomé, to lift the sanctions[1] it had imposed earlier, on 4 February, on 19 individuals in Guinea-Bissau, as part of efforts aimed at restoring democratic governance and ensuring respect for the rule of law in the country.

6. The military continues to respect the constitutional order and maintains a politically neutral role. It also continued to contribute to social activities and agricultural production, which gained the appreciation of the people of Guinea-Bissau. However, the risk of a military intervention could increase if important reforms in the security, defence and justice sectors are not implemented or if the security situation in the country deteriorates. Considering the positive conduct of the military subject to the travel ban, most interlocutors called for a review of the 2048 sanctions list.

7. International donors, financial institutions and development banks, including the World Bank, have also welcomed the progress made by Guinea-Bissau in breaking the political impasse.

8. Economic growth in the country remains generally positive, although the anticipated poorer cashew harvest, combined with the deterioration of basic public services, could pose social and economic challenges and may also worsen the level of food insecurity in upcoming months.

III. Sanctions in Guinea-Bissau

9. There have been no changes to the sanctions regime established by the Security Council pursuant to resolution 2048 (2012) since my previous report. The travel ban measure remains in place and the sanctions list of the Committee established contains the names of 10 individuals, all members of the "military command", responsible for the coup d'état of 12 April 2012.

10. During the past 12 months, the sanctioned individuals continued to perform their functions as part of the armed forces of Guinea-Bissau. The authorities of Guinea-

[1] Suspension from participation in ECOWAS activities; travel ban and denial of visas for these persons and their families; and freeze of the financial assets of these persons and their families wherever they may be.

Bissau confirmed that the Chief of General Staff of the Navy, Rear Admiral Sanha Clussé, died on 24 April 2016. He was removed from the sanctions list on 20 December 2017.

11. Since August 2017, there has been no indication of sanctioned individuals included on the 2048 sanctions list travelling outside Guinea-Bissau. The assessment also revealed that a misunderstanding remains regarding the scope of the travel ban restriction. It is important to note that travel that is justified on the grounds of humanitarian need, religious obligations or judicial process and undertaken in support of peace and national reconciliation may be approved on a case-by-case basis by the Committee (see resolution 2048 (2012), para. 5). Since my previous report, the Committee has not received any requests for any travel ban exemptions.

12. However, as repeatedly noted in my previous reports, the impact of sanctions in Guinea-Bissau has surpassed the travel ban restrictions imposed by resolution 2048 (2012). All interlocutors agreed that sanctions had had a positive effect in deterring the direct involvement of the armed forces in the political situation. At the same time, there were numerous calls for the possible application of sanctions to any individuals responsible for fomenting political instability within the country, including politicians and other civilians.

IV. Progress made with regard to the stabilization and restoration of constitutional order in Guinea-Bissau

13. Since my most recent report, significant political events and initiatives have taken place, which have eased the three-year political stalemate.

14. On separate occasions, ECOWAS ministerial delegations visited Bissau[2] to assess the implementation of the ECOWAS-brokered Conakry Agreement and meet with relevant stakeholders. On 4 February 2018, noting that the appointment of a consensus prime minister, as prescribed in the Conakry Agreement, had not been respected, the ECOWAS Authority imposed targeted sanctions on 19 individuals deemed to be obstructing the implementation of the Agreement. The Government reacted by describing the sanctions as "abusive" and in contrast with the governing principles of ECOWAS.

15. The imposition of the ECOWAS sanctions on the 19 individuals for impeding the implementation of the Conakry Agreement faced some public opposition. Subsequently, a petition in support of the 19 individuals was submitted to the ECOWAS Authority, requesting the lifting of measures, since the individuals could not be held accountable for the non-implementation of the Conakry Agreement. In addition, members of the Movement of Conscientious and Non-Conformist Citizens handed a petition to the ECOWAS representative in Bissau calling for President Vaz to be added to the sanctions list.

16. The African Union continued to closely monitor the situation in Guinea-Bissau. On several occasions, its Peace and Security Council expressed concern about the protracted crisis, calling on the country's political leadership to abide by its commitments, while underscoring the need for credible and transparent legislative and presidential elections, in accordance with constitutional timelines. On 29 March, the Peace and Security Council stressed that the sanctions imposed by ECOWAS should remain in force until the full implementation of the Conakry Agreement and requested ECOWAS to develop a mechanism to ensure that the imposed sanctions worked effectively.

[2] 1 and 2 December 2017, 16 January 2018 and 31 January 2018.

17. In the aftermath of the imposition of ECOWAS sanctions, and following consultations between the African Party for the Independence of Guinea and Cape Verde and the Party for Social Renewal under the aegis of the Catholic Bishop of Bissau, as well as decisions at the ECOWAS Summit of 14 April 2018, political stakeholders in Guinea-Bissau took a series of important political initiatives and decisions. They agreed on a date for holding legislative elections, the name of a consensus Prime Minister and the holding of an extraordinary session of the National Assembly to elect the new members of the National Electoral Commission and extend the current legislature until the November elections. President Vaz issued presidential decrees to dismiss Prime Minister Silva[3] and appoint Aristides Gomes in his place. The National Assembly met for the first time since December 2015 in plenary session and appointed José Pedro Sambú as President of the National Electoral Commission, while President Vaz appointed 26 members to the new Government, the programme and budget of which were subsequently approved by the National Assembly. On 30 April, President Vaz also appointed the former Minister of Interior, Botche Candé, who featured on the sanctions list of ECOWAS, as Minister of State and Presidential Adviser for Defence and Internal and External Security.

18. The African Union, the Community of Portuguese-speaking Countries, ECOWAS, its Mediator, the European Union, the United Nations — under the leadership of my Representative for Guinea-Bissau and Head of UNIOGBIS — and the international community continued to support and encourage Guinea-Bissau in overcoming the political impasse. The ECOWAS Mission in Guinea-Bissau continued to be a considerable factor for stability and deterrence against possible spoilers. Welcoming the encouraging signs of progress made in addressing the political impasse, on 31 July 2018, the ECOWAS Authority lifted the sanctions previously imposed on 19 individuals.

19. Notwithstanding the progress achieved, the root causes of instability in Guinea-Bissau remain unaddressed and of concern. The political-military dynamics and ongoing political rivalries within political parties; ineffective State institutions and deficient rule of law; poverty and lack of access to basic services (particularly for women and youth); and impunity for those involved in previous military coups and related violence.

20. In addition, the ability of elected authorities, in particular the President, the Prime Minister and the President of the National Assembly, to constructively work together remains to be tested, especially in the context of reforms of the defence and security sectors and the justice system. Consensus among relevant political stakeholders remains fragile also with regard to the organizing of the next legislative elections, even though the technical and financial challenges that delayed the preparations for the electoral process have been largely resolved.

21. In addition, Guinea-Bissau and the region continue to suffer from issues related to transnational organized crime, including drug and human trafficking, which could present a concrete threat to stability and governance, especially since elements of the security and armed forces have in the past been allegedly involved in these illicit activities. President Vaz recently called for international support to the fight against drug trafficking.

[3] Artur Silva was appointed on 30 January 2018, succeeding Umaro Sissoco Embaló, who had resigned from the position on 12 January 2018.

V. Recommendations on the continuation of United Nations sanctions

22. Recent progress in the political situation in Guinea-Bissau is a positive and encouraging step forward towards stabilization. To date, the security situation remains stable, political tensions have not turned violent, and the military no longer interferes in political disputes. There appear to be no serious human rights concerns and constitutional order is not acutely threatened. However, I believe it is important to underscore that further efforts are required to achieve durable constitutional stability, and that these efforts will require inclusive and determined national ownership.

23. The recommendations on the continuation of United Nations sanctions contained in my previous report remain valid and relevant to the political situation in Guinea-Bissau today. In view of the upcoming legislative and presidential elections, the Security Council may wish to maintain the current designation criteria and send a clear message to the people of Guinea-Bissau that the sanctions regime is applicable to all spoilers, regardless of their political or institutional affiliation. The Council may also wish to consider further enhancing sanctions measures and designations, as and when required. It could also consider the establishment of a panel of experts in order to: deepen the information base for the Committee in order to promote greater awareness of the sanctions regime inside the country; identify those who meet the designation criteria for targeted measures, including by monitoring the proceeds from organized crime used to support individuals seeking to prevent the restoration of constitutional order; and assess the capacity of local authorities to monitor illicit trafficking and transnational criminal activities, given their potential impact on peace and stability within the country and the subregion.

24. Should the military, in particular the listed individuals, continue to play a positive role and refrain from interfering in national politics, including the upcoming elections in 2018–2019, the Security Council and its Committee may wish to review the sanctions list accordingly.

25. The second visit of the Chair of the Committee to Bissau, a year after the previous visit, was a strong signal of the Council's commitment to the people of Guinea-Bissau. It was also a sign of the Council's resolve to consider targeted sanctions in combination with other Charter-based instruments to peacefully resolve the political impasse in the country. Continued engagement by the Committee with local, regional and international actors, as well as United Nations system partners, including the United Nations Office on Drugs and Crime, is also recommended.